

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EMPLOYEE PAINTERS' TRUST,

Plaintiff,

vs.

BRANDON S. CLIFTON; KIMBERLY A.
COMINSKY,

Defendants.

Case No.: 2:19-cv-00912-GMN-EJY

ORDER

Pending before the Court is the Report and Recommendation ("R&R") of United States Magistrate Judge Elayna Youchah, (ECF No. 14), which recommends that Plaintiff Employee Painters' Trust's ("Plaintiff's") Motion for Default Judgment, (ECF No. 11), be granted. The R&R recommends that the Court enter default judgment against Defendants, jointly and severally, in the sum of \$45,071.63. (R&R 9:2-4, ECF No. 14).

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a de novo determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See, e.g., United States v. Reyna-Tapia*, 328 F.3d 1114,

1 1122 (9th Cir. 2003).

2 Here, no objections were filed, and the deadline to do so, January 30, 2020, has passed.
3 (Min. Order, ECF No. 14).

4 Accordingly,

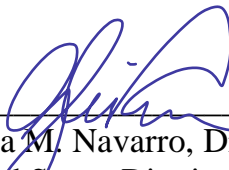
5 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 14), is
6 **ACCEPTED AND ADOPTED in full.**

7 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Default Judgment, (ECF No.
8 11), is **GRANTED.**

9 **IT IS FURTHER ORDERED** that the Court **GRANTS** Plaintiff a monetary award
10 against Defendants, jointly and severally, of \$37,828.12 in health benefits paid to Cominsky to
11 which she was not entitled, a prejudgment interest of \$1,094.36, and \$6,149.15 in attorney fees
12 and costs, totaling \$45,071.63.

13 The Clerk of Court shall close the case and enter judgment accordingly.

14 **DATED** this 31 day of January, 2020.

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18 Gloria M. Navarro, District Judge
19 United States District Court
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